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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,398	12/12/2001	Randy P. Stanley	ITL.0680US (P12998)	8693
21906 7590 12/31/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER DINH, KHANH Q	
			ART UNIT 2151	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/020,398	Applicant(s) STANLEY, RANDY P.	
	Examiner Khanh Dinh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/1/2007 has been entered. Claims 4 and 22-30 are cancelled. Claims 1-3 and 4-21 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 8-15 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney (U.S. Pat. No. 6,374,289) in view of Maddalozzo, Jr. et al., (U.S. Pat. No. 5,878,218) (hereafter Maddalozzo).

As to claim 1, Delaney discloses an article comprising a medium storing instructions that enable a first processor-based system (Peer Client 20 of fig. 1A) to:

set up an on-line meeting with a second processor-based system (Peer Client 22 of fig.1A) (Peer Client 20 connected to Peer Client 22 by an local network (14 fig.1A) using quires to determine if any peer client has a particular package, see fig.1A, col.4 line 66 to col.5 line 19).

receive first information from the second processor-based system (Peer Client 22 fig.1A), said first information to identify second information that is available for transmission from said second processor-based system, in connection with the on-line meeting, from a cache local to the first processor-based system (if the Peer Client 22 has the desired data package including image data, then peer client 20 obtain the data package from Peer Client 22, see fig.1B, col.1 lines 17-34 and col.5 lines 19-41)

retrieve the previously second information (checking if the desired data package stored in the local cache, see col.5 lines 19-37) if the second information from the local cache coupled to said first processor-based system (Peer Client 20 of fig.1A) if the second information was locally cached [Peer Client transmitting the data package (cached data) from other Peer Client if the desired data package is available, see col.5 line 53 to col.6 line 43];

receive a transmission from said second processor-based system if the second information is not stored in said local cache (see col.5 line 53 to col.6 line 43).

Delaney does not specifically disclose upon receipt of the image data, utilize received image data to determine whether the information for the image is already stored in a local cache and determining if it can locally acquire second information sufficient to display an image and decline receipt of a transmission from said second

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processor based system of said second processor system of said second information. However, Maddalozzo in the same network environment discloses upon receipt of the image data, utilize received image data to determine whether the information for the image is stored in a local cache and determining if it can locally acquire second information sufficient to display an image and decline receipt of a transmission from said second processor based system of said second processor system of said second information (processing receipts by network cache computer of the responses from other network computers within the private network, see abstract, fig.5C, col.9 lines 4-60, col.10 lines 14-60 and col.11 line 42 to col.12 line 58). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Maddalozzo's teachings into the computer system of Delaney to identify the common cache of the requested data file because it would have allowed users to access the most recent version of the requested data file that has been downloaded into a private network from a source external to the private network (see Maddalozzo's col.6 line 59 to col.7 line 12).

As to claim 2, Delaney discloses storing instructions that enable a first processor-based system to receive first information including an image identifier [each data package (including documents, images, messages, data packages or other types of data, see col.1 lines 16-35) having a unique identifier MD5, see col.6 lines 12-43].

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As to claim 3, Delaney discloses storing instructions that enable a first processor-based system to determine whether the image identifier identifies locally cached second information (any peer client knows both the unique identifier and the location of the data package on the local network, that client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 8, Delaney discloses storing instructions that enable a first processor-based system to complete the download of information from the second processor-based system if the second information is not locally cached (Client A downloading data package from Client B if the data package was not found in the local storage medium of Client A, see col.7 lines 10-61).

As to claim 9, Delaney discloses storing instructions that enable a first processor-based system to cache the downloaded information (using Peer Client A for downloading the data package to the local storage, see col.5 lines 19-41 and col.7 lines 10-61).

As to claim 10, Delaney discloses storing instructions that enable a first processor-based system to associate the cached information with an identifier information (any peer client knows both the unique identifier and the location of the data package on the local network, that client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 11, Delaney discloses storing instructions that enables a first processor based system to associate the cached information with an identifier included with said data (each data package has an unique identifier and the location of the data package on the local network, see col.6 lines 13-65).

As to claim 12, Delaney discloses a processor-based system comprising:

a processor (Peer Client 20 fig.1A) and a data storage medium (local memory or disk cache associated with the Peer Client) coupled to said processor and storing instructions enabling said processor to set up an on-line meeting with a remote processor-based system (Peer Client 22 fig.1A) [Peer Client 20 connected to Peer Client 22 by an local network (14 fig.1A) using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19];

receive data from the remote processor-based system related to information to be transmitted (if the Peer Client 22 has the desired data package, then peer client 20 obtain the data package from Peer Client 22, see fig.1B, col.5 lines 19-41) and determine whether the information is already stored in a local cache coupled to said first processor before completing a download of the information (if the neighboring client has the required package, the requesting client will download this data package rather than from the external server, see col.4 lines 38-61 and col.5 lines 19-41), and retrieve the locally cached information to display an image on said processor-based system during

the on-line meeting if the information was locally cached [Peer Client obtaining the data package (cached data) from other Peer Client if the desired data package is available, see col.5 line 53 to col.6 line 43];

receive a transmission from said second processor-based system if the second information is not stored in said local cache (see col.5 line 53 to col.6 line 43).

Delaney does not specifically disclose determining if it can locally acquire second information sufficient to display an image. However, Maddalozzo in the same network environment discloses determining if it can locally acquire second information sufficient to display an image and decline receipt of a transmission from said second processor based system of said second processor system of said second information (processing receipts by network cache computer of the responses from other network computers within the private network, see abstract, fig.5C, col.9 lines 4-60, col.10 lines 14-60 and col.11 line 42 to col.12 line 58).

As to claim 13, Delaney discloses storing instructions enabling the processor to receive first data including an image identifier [each data package (including documents, images, messages, data packages or other types of data, see col.1 lines 16-35) having a unique identifier MD5, see col.6 lines 12-43].

As to claim 14, Delaney discloses that the data storage medium further storing instructions enabling the processor to determine whether the image identifier identifies locally cached second information (i.e., using hash tables containing information about

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data package, unique identifier and the location of the data package on the local network to determine if a client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 15, Delaney discloses that the data storage medium further stores instructions enabling the processor to receive a portion of a downloaded image, the portion to enable identification of locally cached information (determining if client "A" had already downloaded a larger portion of the required data package than client "B", transferring the data package from client "A" is more optimal and indicating a fraction of the data package already downloaded, see col.9 lines 15-61 and col.10 lines 36-67).

As to claim 18, Delaney discloses the data storage medium further stores instructions enabling the processor (Client A) to download information from the remote processor-based system (Client B) if the information is not locally cached (Client A downloading data package from Client B if the data package was not found in the local storage medium of Client A, see col.7 lines 10-61).

As to claim 19, Delaney discloses the data storage medium further stores instructions enabling the processor to cache the downloaded information (using Peer Client A for downloading the data package to the local storage, see col.5 lines 19-41 and col.7 lines 10-61).

As to claim 20, Delaney discloses that the data storage medium further stores instructions enabling the processor to associate the cached information with an identifier (any peer client knows both the unique identifier and the location of the data package on the local network, that client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 21, Delaney discloses the data storage medium further stores instructions enabling the processor to associate the cached information with an identifier included with said data (each data package has a unique identifier and the location of the data package on the local network, see col.6 lines 13-65).

5. Claims 5-7, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Delaney and Maddalozzo and further in view of Pitts (Hereafter Pitts), U.S. Pat. No.6,205,475.

As to claim 5, although, Delaney does suggest instructions that enables a first processor based system (20 fig.1A) to determine a state of a second based system processor (22 fig.1A) (i.e., using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor Maddalozzo specifically discloses flushing the cached information depending on a state of the second processor. However, Pitts in the same

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Client-Server monitoring network environment discloses instruction flushing the cached information depending on a state of a second processor (42 fig.1) [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from a client workstation and containing an image of data that has been modified by the client workstation (42 fig.1) may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 6, although, Delaney does suggest transferring only needed data packages in a request message (see Delaney's col.11 lines 39-67). Neither Delany nor Maddalozzo specifically discloses flushing the cached information and allowing images to be altered. However, Pitts in the same Client-Server monitoring network environment discloses flushing the cache information and allowing images to be altered [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond

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immediately to a request to access data from the client workstation and containing an image of data that has been modified by the client workstation may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see fig.8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 7, although, Delaney does suggest instructions that enables a first processor based system (20 fig.1A) to send to the second processor (22 fig.1A) a request for information on the state of the second processor concerning its state (22 fig.1A) (i.e., using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor Maddalozzo specifically discloses flushing the cached information depending on a state of the second processor. However, Pitts in the same Client-Server monitoring network environment discloses instruction flushing the cached information depending on a state of a second processor (42 fig.1) [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used

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recently, and are approaching the point where they will be unable to respond immediately to a request to access data from a client workstation and containing an image of data that has been modified by the client workstation (42 fig.1) may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 16, although, Delaney does suggest instructions that enables the processor based system (20 fig.1A) to send to the second processor (22 fig.1A) a request for information on the state of the remote processor (22 fig.1A) (i.e., using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor Maddalozzo specifically discloses flushing the cached information depending on a state of the second processor. However, Pitts in the same Client-Server monitoring network environment discloses instruction flushing the cached information depending on a state of a second processor (42 fig.1) [i.e., using a CQ_SERVICE Channels (116 of fig.8) on

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the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from a client workstation and containing an image of data that has been modified by the client workstation (42 fig.1) may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 17, neither Delany nor Maddalozzo specifically discloses specifically disclose flushing the cached information and allowing images to be altered. Although, Delaney does suggest transferring only needed data packages in a request message (see Delaney's col.11 lines 39-67). Neither Delany nor Maddalozzo specifically discloses flushing the cached information and allowing images to be altered. However, Pitts in the same Client-Server monitoring network environment discloses flushing the cache information and allowing images to be altered [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from the client workstation and containing an image of data that has been

modified by the client workstation may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see fig.8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

Response to Arguments

4. Applicant's arguments filed on 10/1/2003 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose receive a transmission from said second processor-based system if the second information is not stored in said local cache and decline receipt of a transmission from said second processor based system of said second processor system of said second information.

Examiner respectfully disagrees. Examiner respectfully point out that Delany discloses receiving a transmission from said second processor-based system if the second information is not stored in said local cache (see col.5 line 53 to col.6 line 43) and Maddalozzo discloses declining receipt of a transmission from said second processor based system of said second processor system of said second

information (processing receipts by network cache computer of the responses from other network computers within the private network, see abstract, fig.5C, col.9 lines 4-60, col.10 lines 14-60 and col.11 line 42 to col.12 line 58) as rejected above.

As a result, cited prior art does disclose a processor based computer system, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

Conclusion

5. Claims 1-3 and 5-21 are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FOLLANSBEE JOHN, can be reached on (571) 272-3964. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for patents

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